

REMARKS

Applicant respectfully requests reconsideration and allowance of the subject application. Claims 1-20 are pending in the application. Claims 1 and 21 are independent claims. Claims 21-26 are canceled without prejudice or disclaimer hereby. Applicant respectfully traverses the rejections of the current Office Action.

Drawings Objection

Applicant has submitted herewith replacement Drawings, which include replacement sheets for Figs. 2 and 6, for the Office's consideration. The replacement sheet for Fig. 2 changes the data structure box identified by reference numeral "225" to "227". The replacement sheet for Fig. 6 adds a reference numeral "400" to designate the illustrated web page. Applicant respectfully submits that the submitted replacement sheets obviate the Drawings objection. The Office is requested to acknowledge receipt of the replacement sheets and is asked to indicate withdrawal of the Drawings objection.

The change to Fig. 2 necessitated amending paragraph [0030] of the instant Application. In particular, in the amended paragraph [0030], "data structure 225" now reads "data structure 227". The amendments to paragraph [0030] are not believed to introduce new matter.

Specification Objection

The Office asserts that the instant Specification includes improper use of embedded hyperlinks. The Applicant disagrees because the Applicant does not

intend the hyperlinks of the instant Specification to be active links. Further details are given in the following.

MPEP Section 608.01, paragraph 6.32.01, Item VII, states that incorporation by reference by hyperlink or other form of browser executable code is not permitted. The key prohibition relates to the underlined portion of the foregoing sentence. The prohibition does not apply to hyperlink text that is not intended to be active links. More particularly, MPEP Section 608.01, paragraph 7.29.04, under "Examiner Note", states that Examiners "should not object to hyperlinks where the hyperlinks and/or browser-executable codes themselves (rather than the contents of the site to which the hyperlinks are directed) are necessary to be included in the patent application in order to meet the requirements of 35 U.S.C. 112, first paragraph, and applicant does not intend to have those hyperlinks be active links."

In accordance with the above, the Specification Objection is at least improper because the Applicant does not intend the hyperlinks of the instant Specification to be active links. The Office is accordingly requested to reconsider and withdraw the Specification Objection.

Claim Rejections Under 35 U.S.C. § 101

Claims 21-24 stand rejected under 35 U.S.C. § 101 as being directed to non-statutory subject matter. The rejection is now moot in view of the cancelation, without prejudice, of the rejected claims. The Office is respectfully requested to withdraw the rejection.

Claim Rejections Under 35 U.S.C. § 102

Claims 21-26 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Datta, U.S. Patent Publication No. 2003/0004998 A1 (hereinafter "Datta"). Applicant respectfully traverses the rejection. The rejection is now moot in view of the cancellation, without prejudice, of the rejected claims. The Office is respectfully requested to withdraw the rejection.

Claim Rejections Under 35 U.S.C. § 103

Claims 1-20 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Datta in view of Marmigere et al., U.S. Patent Publication No. 2004/0068579 A1 (hereinafter "Marmigere"). Applicant respectfully traverses the rejection.

Amended independent claim 1 recites:

A method of communicating between two computing devices, the method comprising:

receiving, by a first computing device, a request for content that includes an item cached by the first computing device;

sending, by the first computing device to a second computing device, the request and an identifier associated with the cached item;

receiving, by the first computing device from the second computing device, content generated by the second computing device based on the identifier, *the identifier being usable by the second computing device to determine content that is not to be included in the generated content*;

combining, by the first computing device, the cached item and the generated content, and

sending, by the first computing device, the combined content to a destination. (Emphasis added.)

The proposed combination does not suggest at least the limitation "the identifier being usable by the second computing device to determine content that is

not to be included in the generated content." Instead, the proposed combination suggests, according to the disclosure of Marmigere, using a URL at a Web content server to identify content that is to be sent to a Proxy cache server. Once the content is identified by the Web content server, using the URL, the content is sent to the Proxy cache server. (*See Marmigere, page 6, paragraph [0060], lines 11-16.*) The Office asserts the URL used by the Web content server is the same as the "identifier" recited in claim 1. The foregoing is a summary of the Office's assertions made on page 7 of the current Office action. Accordingly, the combination does not suggest using an "identifier" to determine "content that is not to be included in the generated content," as is recited in claim 1.

For at least the reasons stated above, Applicant respectfully requests the Office to reconsider and withdraw the rejection of claim 1. Note, the Applicant has elected, at this juncture, not to address the propriety of the Office's reasoning for combining Datta in view of Marmigere, but this should not be construed as an indication that the Applicant agrees with such reasoning.

Dependent claims 2-11 depend from claim 1. The rejection with regard to these claims should be withdrawn by virtue of the dependency. Moreover, these claims recite features that, when taken together with those of claim 1, are not suggested by the proposed Datta in view of Marmigere combination.

Amended independent claim 12 recites:

A system comprising:

a proxy server configured to process a request for content having items that are cached, the proxy server being further configured to forward the request along with identifiers associated with the cached items; and

a content server configured to dynamically generate the content requested by the proxy server, *the dynamically generated content excluding content related to the identifiers associated with the cached items*, and the dynamically generated content having information for the proxy server to combine the dynamically generated content with the cached items for processing the request. (Emphasis added.)

The proposed Datta in view of Marmigere combination does not suggest at least the limitation "the dynamically generated content excluding content related to the identifiers associated with the cached items." (Emphasis added.) Instead, the proposed combination suggests, according to the disclosure of Marmigere, using a URL at a Web content server to identify content that is to be sent to a Proxy cache server. Once the content is identified by the Web content server, using the URL, the content is sent to the Proxy cache server. Accordingly, the combination does not suggest "excluding content related to the identifiers" from the "dynamically generated content," as is recited in claim 12.

Additional details concerning the deficiencies of the proposed Datta in view of Marmigere combination are give hereinabove, and such discussion may be applied to claim 12, as well. The Office is respectfully requested to consider the above discussion.

For at least the reasons stated above, Applicant respectfully requests the Office to reconsider and withdraw the rejection of claim 12.

Dependent claims 13-20 depend from claim 12. The rejection with regard to these claims should be withdrawn by virtue of the dependency. Moreover, these claims recite features that, when taken together with those of claim 12, are not suggested by the proposed Datta in view of Marmigere combination.

Conclusion

In accordance with the foregoing remarks, Applicant believes that the pending claims are allowable and the application is in condition for allowance. Therefore, a Notice of Allowance is respectfully requested. Should the Examiner have any further issues regarding this application, the Examiner is requested to contact the undersigned attorney at the provided email address.

Respectfully Submitted,

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